



The Stories Behind *Brown v. Board of Education*

Student holds up APPLAUSE signs

Main Narrator: The famous case we all call *Brown v. Board of Education*, which ended segregation in schools, was really the result of hundreds of legal battles in schools across the country. These cases were brought by brave students, their parents, and a determined team of lawyers. These courageous people were willing to challenge the notion that schools segregated by race were equal despite what the U.S. Supreme Court said in *Plessy v. Ferguson*. Today, we will re-enact these five cases and then hear from the U.S. Supreme Court. Let's start with the first case.

Briggs v. Elliott Clarendon County, South Carolina, 1948

Scene card person holds up card: "South Carolina 1948"

South Carolina Narrator: *Briggs v. Elliott* was a case from Clarendon County, South Carolina, that took place in 1948. Levi Pearson, a parent, tried to obtain the same free school bus transportation for his children that white children enjoyed. After filing a lawsuit, he found himself cut off from credit at all white-owned businesses as punishment. Other parents participating in the lawsuit were fired from their jobs and received other mistreatments. Let's see what happens.

South Carolina Reporter: We are standing outside the courthouse in Clarendon County, South Carolina, waiting to hear the decision in a suit brought by a group of local parents. I have one of those parents here with me. Who are you and what can you tell me about this case?

Levi Pearson: My name is Levi Pearson. I am a hard working farmer and I just want my 3 children to get a good education. The white children in our town get to ride to school on the bus for free. I just want the same for my kids.

South Carolina Reporter: What happened when you asked for your kids to get to ride the bus?

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Levi Pearson: The people in town cut off my credit at the store and the bank. I couldn't buy supplies for my farm or food for my family. I even cut down the trees on my land to pay the bills, but the local mill wouldn't pick up the timber.

South Carolina Reporter: Oh my! Here's another parent from the case. Let's ask them about their experience. Sir, who are you and what can you tell me about this case?

Harry Briggs: My name is Harry Briggs and my 5 kids deserve as good an education as the white kids get! My town only spends \$43 on each black student but spends \$179 on each white student. Some of my kids' schools don't even have indoor plumbing!

South Carolina Reporter: Mr. Briggs, what happened when you joined this lawsuit?

Harry Briggs: Both my wife and I were fired from our jobs. I used to be an attendant at the gas station and my wife cleaned rooms at the hotel. Some other parents from the 20 families that joined the suit were fired too. One man lost land that had been in his family for 80 years. We were fired because we stood up for our kids' rights.

South Carolina Narrator: Initially, the case in South Carolina was just about bus transportation and equal facilities, but it later became about educational equality and segregation. The case was filed against R.W. Elliott who was the president of the school board for Clarendon County, South Carolina. That's why it's called *Briggs v. Elliott* – the parent versus the school board president. I think the judges are ready to announce their decision.

South Carolina Judge Waring: "I am of the opinion that all of the legal guideposts, expert testimony, common sense and reason point unerringly to the conclusion that the system of segregation in education adopted and practiced in the State of South Carolina must go and must go now."

South Carolina Judge: Despite Judge Waring's opinion, the majority of the Court finds that the county can keep separate schools for black and white children, but they have to spend the same amount of money for both schools.

Main Narrator: Well, that's what happened in South Carolina. I believe that Judge Waring who voted for the students was forced to leave the state! Let's head to Delaware and see what is happening there with school segregation.

Student holds up APPLAUSE signs

Scene card person takes down card: "South Carolina 1948"

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Belton v. Gebhart

Claymont, Delaware, 1951

Scene card person holds up card: "Delaware 1951"

Delaware Narrator: *Belton v. Gebhart* was a case that started in Claymont, Delaware in 1951. In Claymont, since there was no black high school in town, the students had to make their way to Wilmington, over an hour from home by bus, to attend high school. Another Delaware case during that same time was *Bulah v. Gebhart*. In Hockessin, Delaware, white elementary school children got to ride the bus to their school, but there was no transportation provided to the black elementary schools. These two cases were combined together in the Delaware courts.

Delaware Reporter: I'm waiting outside the courthouse in Claymont, Delaware with Ethel Belton. Ethel is a student at Howard High School. Ethel, why did your parents go to court?

Ethel Belton: Because they wanted me to go to school here in Claymont. But, since there's no black high school in Claymont and I'm not allowed in the white high school, I have to ride public transportation for ten miles, which is over an hour, to get to the black high school in Wilmington.

Delaware Reporter: And what are the facilities like at Howard High School in Wilmington?

Ethel Belton: Hhmm... Well, we don't have a gym, so I have to walk four blocks to the YMCA for my physical education class regardless of the weather. Oh, and there's eighty of us in that class!

Delaware Reporter: I see. We also have another individual involved in the cases in Delaware. (*turn to Mrs. Bulah*) What brought you to court, Mrs. Bulah?

Mrs. Bulah: Well, I have to drive my eight year old daughter Shirley two miles to school every day. But, the white kids get picked up by the bus. This is 1951 and my daughter still goes to a one-room school house.

Delaware Reporter: A one-room school house? That's like in the movies with all the kids in every grade in one room!

Mrs. Bulah: Only black children have to go to the one-room school house. This is segregation—plain and simple.

Delaware Narrator: Do you know what segregation is?

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Segregation Definition Student: Segregation means to separate people, often based on the color of their skin. In the U.S., blacks and whites were segregated, sometimes by law and sometimes just by local custom, into different schools, neighborhoods, and restaurants.

Delaware Reporter: Thank you. Mrs. Bulah, how did you try to get your daughter permission to ride the bus before coming to court?

Mrs. Bulah: I wrote letters to the Department of Public Instruction in Delaware and to the governor. I don't understand why my daughter can't ride the school bus that passes right by our house!

Delaware Narrator: Well, these two cases were joined together to sue the Delaware State Board of Education. Francis B. Gebhart was one member of the Board of Education which is why the case is called *Belton v. Gebhart*. I wonder what the Court will decide.

Delaware Judge: After personally visiting the schools that both Shirley and Ethel attend, I say that these schools are not equal. I order that the eleven children involved be immediately admitted to the white school.

Main Narrator: Though the court decision in Delaware had a positive outcome for Ethel, Shirley and their classmates, it only affected these two particular schools. In this case, the losing party was the school. It the other 4 cases that became a part of *Brown*, the students were the losing party.

Well, that's the situation in Delaware. I wonder what's going on in Virginia regarding school segregation. Let's find out in the next scene.

Student holds up APPLAUSE signs

Scene card person takes down card: "Delaware 1951"

***Davis v. County School Board of Prince Edward County* Prince Edward County, Virginia, 1951**

Scene card person holds up card: "Virginia 1951"

Virginia Narrator: *Davis v. County School Board of Prince Edward County* was a case that began in Prince Edward County, Virginia in 1951. On April 23, 1951, high school student Barbara Rose Johns led a student strike at the all-black Moton High School because the school didn't have a gym, locker room facilities, cafeteria, teachers' break room, or nurse's office. All of these facilities, and more, were available to white students at another nearby school.

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Virginia Reporter: I'm here at Robert R. Moton High School with Barbara Johns, a 16 year old student at the school and her friend, Carrie. Barbara is leading 450 of her fellow classmates at Moton in a protest. Barbara, why are you doing this?

Barbara Johns: Moton is an eight-room school that was built for only 180 students. There are 450 of us in the school. We don't have a gym, a cafeteria, or classes like typing or shop, but the white high school does.

Virginia Reporter: I see. Do you think anyone will help you out?

Carrie Stokes: Barbara and I wrote a letter to the NAACP asking them to help us.

Virginia Narrator: Do you know what the NAACP is?

NAACP Definition Student: The NAACP is the National Association for the Advancement of Colored People. It was founded in 1909 with the goal of helping blacks to reach equality. By the 1940s they were focusing a lot of energy into helping increase black students' educational equality, even if they had to sue for it.

Virginia Narrator: Well, the strike at the high school lasted two weeks, but ended when the NAACP agreed to help.

NAACP Lawyer: I'm a lawyer from the NAACP office in Washington D.C. and we helped start a lawsuit against the Prince Edward County School Board. Even before this case went to trial, the school board had spent \$600,000 on the school for black students to help improve and equalize conditions there.

Virginia Narrator: The case was filed on behalf of 117 students, one of which was Dorothy Davis who is named as plaintiff. Let's hear what the judge decided about Moton High School.

Virginia Judge: The Court orders that the Prince Edward County School Board keep spending the money needed to make the white and black schools more equal. But, they can still keep separate black and white schools.

Main Narrator: Well, the courts in Virginia have made their decision. In this next scene, we'll see what the courts in Washington, D.C. decide on this same topic.

Student holds up APPLAUSE signs

Scene card person takes down card: "Virginia 1951"

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Bolling v. Sharpe **Washington D.C., 1951**

Scene card person holds up card: "Washington DC 1951"

DC Narrator: *Bolling v. Sharpe* was a case in Washington, D.C. in 1951. The legal issues in this case differed slightly from the previous cases because Washington, D.C. is a federal district and not a state. All the other cases used the Fourteenth Amendment as a basis for their claim. Do you know what rights the Fourteenth Amendment protects?

Fourteenth Amendment Definition Student: The Fourteenth Amendment provides a definition of what it means to be a citizen in the United States. It has clauses that relate to both due process and to equal protection. These clauses say that all persons in the state must be given these rights before any freedoms or property are taken away.

DC Narrator: And just what does due process mean?

Due Process Definition Student: Due process means that the government must treat all individuals fairly and justly by following certain procedures that limit the government's power and protect the life, liberty and property of the people.

DC Narrator: Notice that the Fourteenth Amendment couldn't be used in this case because Washington, D.C. is not a state. The lawyers in this case used Fifth Amendment rights. Do you know what the Fifth Amendment means?

Fifth Amendment Definition Student: The Fifth Amendment provides that no person can be tried for the same crime twice, that no person has to be a witness against himself, and that no person can be tried for a serious crime without receiving written paperwork. It also includes basic property rights including due process.

DC Narrator: Thanks. That is a pretty important amendment. We usually only hear about "taking the fifth" and not about due process too.

This case is about 11 African American junior high school students who tried to be admitted to a new school.

DC Reporter: With me now I have Gardner Bishop, a local parent and activist. Mr. Bishop, why are you here today?

Gardner Bishop: I'm here today because 11 young African American students were turned away from the recently completed John Philip Sousa Junior High School even though there were

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several empty classrooms. I encouraged them to protest the crowded conditions at their school and tried to enroll them in this new school.

DC Reporter: Did you ask anyone for help?

Gardner Bishop: I did. Our first lawyer had a heart attack so James Nabrit, Jr. took over for him. He's right here.

James Nabrit, Jr.: In this case, we tackled segregation itself instead of just demanding equal facilities. Segregation is fundamentally illegal!

Main Narrator: Thank you, gentlemen. This case was named for Spottswood Thomas Bolling who was one of the students attempting to register at the new school.

The case was dismissed by the U.S. District Court because of a recent ruling that segregated schools were constitutional in the District of Columbia. Nabrit was working on an appeal when the U.S. Supreme Court heard this case in combination with the other four as *Brown v. Board of Education*. We have one more state case to learn about – this one in Kansas.

Student holds up APPLAUSE signs

Scene card person takes down card: "Washington DC 1951"

Brown v. Board of Education **Topeka, Kansas, 1951**

Scene card person holds up card: "Kansas 1951"

Kansas Narrator: *Brown v. Board of Education* was a case heard in Topeka, Kansas, in 1951. 13 parents of 20 black elementary-age students in Topeka tried to enroll their children in white elementary schools in September of 1950. One of those parents was Oliver Brown, father of Linda Brown. Linda wanted to go to her neighborhood school; instead, she had to ride the bus for over an hour to the black elementary school.

Kansas Reporter: I'm standing here with Oliver and Linda Brown. We are outside the courthouse in Topeka, Kansas. Mr. Brown, what are you and your daughter doing here today?

Oliver Brown: We are here today because I want my daughter Linda to go to the school in our neighborhood.

Kansas Reporter: Linda, why can't you go to your neighborhood school?

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Linda Brown: I can't go to it because it is only for white children. So, instead of walking to the school close to my house, I have to ride a bus for over an hour to go to the black elementary school.

Kansas Reporter: I see. Ms. Todd, you are also listed in the case. What did you try to do?

Lucinda Todd: I tried enrolling my child in the neighborhood school. It's one of 18 schools for white children. African American children only have access to 4. After I was denied, I took the paperwork to the NAACP who helped with the case.

Kansas Narrator: The case was named for Oliver Brown because he was the only man among the plaintiffs. I think the Court is ready to issue its decision.

Kansas Judge: I find that the separate schools to be basically equal. BUT, I think the segregation of black school children is not a good thing.

Main Narrator: Well, it looks as though Kansas has made its decision as well. These five cases will be combined and heard together before the U.S. Supreme Court in our next scene.

Student holds up APPLAUSE signs

Scene card person takes down card: "Kansas 1951"

Brown v. Board of Education **Washington D.C., 1953**

Scene card person puts up card: "Washington DC," "1953," "US Supreme Court," and U.S. Supreme Court Picture Card

Main Narrator: All of these cases have been appealed to the U.S. Supreme Court. Do you know what appeal means?

Appeal Definition Student: Appeal means to have a higher court review the ruling of a lower court. You only do this if you are not happy with the ruling of the lower court.

Main Narrator: The U.S. Supreme Court has decided to hear all of the cases we just saw in one combined case because they all seek the same legal solution – that separate can never be equal. They are challenging the constitutionality of racial segregation in public schools.

This case is called *Brown v. Board of Education*, but Oliver Brown, who we just met, was only one of the approximately 200 plaintiffs in these cases. The Court named Brown's case first because it took place in Kansas and not in a Southern state. This way, the Court could

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demonstrate that segregation was not solely a Southern issue. Let's find out how the U.S. Supreme Court rules in the matter of segregation in schools.

Brown Reporter: *(stand to left of bench with a handheld mic)* I am standing outside the courtroom of the U.S. Supreme Court in Washington D.C. The Court is hearing oral arguments today in the case of *Brown v. Board of Education*.

Main Narrator: Do you know what an oral argument is?

Oral Argument Definition Student: An oral argument is when the Court asks the lawyers involved in the two sides of a case to appear in person before the Court. The lawyers talk about why their side should win. The Court can then ask them questions about the case.

Brown Reporter: The Supreme Court has decided to combine several cases about the way black and white children were made to go to different schools. These cases come from *(nod in the direction of each of the other groups and scene person will hold up the sign as each place is named – read SLOWLY)* Kansas, Delaware, Virginia, South Carolina, and the District of Columbia. Let's go inside where Chief Justice Earl Warren of the U.S. Supreme Court is ready to begin.

Main Narrator: Do you know who Chief Justice Earl Warren is?

Chief Justice Earl Warren Biography Student: Chief Justice Earl Warren was the Governor of California before being chosen for the U.S. Supreme Court by President Eisenhower. When Warren joined the Court in 1953, they had already discussed *Brown v. Board* once, but the Justices couldn't reach a decision.

(Justices move behind bench ready to enter. Bailiff moves to lower bench.)

Main Narrator: There are three lawyers representing the students. The most famous is Thurgood Marshall. Joining him is Spottswood W. Robinson III and Robert Carter. Do you know who Thurgood Marshall is?

Thurgood Marshall Biography Student: Thurgood Marshall, an African American, was denied admission to the University of Maryland Law School based on the color of his skin. However, Marshall graduated first in his class from Howard University School of Law. He went to work for the NAACP as a lawyer and argued many successful civil rights cases before the Supreme Court. Marshall became the first African American appointed to the U.S. Supreme Court in 1967 and served until 1991.

Bailiff: *(pound the gavel three times)* All rise. *(everyone in the room stands up)* The Honorable Chief Justice and the Associate Justices of the Supreme Court of the United States. Oyez! Oyez!

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Oyez! All persons having business before the Supreme Court of the United States are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court! (*judges sit down*). You may be seated.

Chief Justice Warren: Mr. Marshall, you are here today to challenge the ruling made by this Court in 1896 in the case of *Plessy v. Ferguson*. Is that correct?

Thurgood Marshall: (*stand*) Yes, Your Honor.

***Plessy v. Ferguson* Definition Student:** In the case of *Plessy v. Ferguson*, the United States Supreme Court ruled that it was legal to have separate facilities like schools, busses, and water fountains for blacks and whites, as long as the facilities were equal.

Justice Sherman Minton: Please tell us, Mr. Marshall, why do you think we should throw out the idea of “separate but equal”?

Main Narrator: Did you know that Justice Sherman Minton was from Indiana? He was born in Floyd County in 1890, attended Indiana University, and received a law degree in Indianapolis before being appointed to the US Supreme Court in 1949.

Thurgood Marshall: (*stand*) In 1896, one of the Justices on the Court, Justice Harlan, disagreed strongly with the idea of “separate but equal.”

Main Narrator: Do you know what Justice Harlan said in this case?

Justice Harlan Definition Student: Justice Harlan said that “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.”

Thurgood Marshall: (*stand*) I think Mr. Harlan’s day has come.

Justice Robert H. Jackson: Please explain yourself Mr. Marshall.

Thurgood Marshall: (*stand*) Your Honor, the segregation of black and white children in public schools is a violation of the Fourteenth Amendment to the United States Constitution.

Main Narrator: Adopted in 1868, this amendment forbids states from denying individual citizens due process and equal protection under the law.

Thurgood Marshall: (*stand*) At that time, most states did not sponsor a system of free public education. White children went to private schools. There were no schools for black children to attend. In fact, some states made it illegal for black children to receive a formal education.

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Justice Felix Frankfurter: But that was 1868, what about today in 1953?

Spottswood W. Robinson III: *(stand)* Today, this country is very different. Black men and women have shown that with the proper education, they can become successful lawyers, doctors, businessmen, engineers, and scientists.

Justice Hugo L. Black: What does that have to do with equality?

Spottswood W. Robinson III: *(stand)* Separate is inherently unequal. Even if the black schools and white schools have equal buildings, books, teachers, and salaries, separate schools offer UNEQUAL educational opportunities.

Justice Felix Frankfurter: Has segregation been shown to have a negative effect on children?

Robert Carter: *(stand)* Yes, to separate children of similar age and intelligence solely because of their race creates feelings of inadequacy. Segregation affects student's hearts and minds in a way that can never be undone. This sense of inferiority affects their motivation to learn and deprives them of the benefits that they would receive in a racially balanced school system.

Justice Sherman Minton: You all make some excellent points. Could you please give us some suggestions about how we might go about ending segregation of school children?

Robert Carter: *(stand)* Your Honor, different school systems pose different problems. School boards are capable of creating plans but the Court must make sure that the plans are followed.

Thurgood Marshall: *(stand)* I suggest that the federal government withhold funding to any and all school boards that fail to desegregate their school system.

Spottswood W. Robinson III: *(stand)* A violation of the U.S. Constitution is so outrageous that it cannot go unchecked. Integration must happen as soon as possible.

Robert Carter: *(stand)* We must protect the rights of both black and white children in this country by ending segregation now!

Chief Justice Warren: Thank you. *(look at the other attorney table)* Gentleman, are you arguing for the schools?

J. Lindsay Almond, Jr.: *(stand)* We are, Your Honor. I am Mr. J. Lindsay Almond, Jr., the Attorney General of Virginia. With me is Mr. H. Albert Young, the Attorney General of Delaware, and Mr. Paul E. Wilson, the Assistant Attorney General of Kansas.

Chief Justice Warren: You may begin.

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J. Lindsay Almond, Jr.: (*stand*) Your Honors, we would like to make clear that despite the manner in which the appellants would characterize our argument, we do not propose to take any position regarding the ethics or morality of segregation. Nor, unlike our opponents, do we believe it is appropriate for the courts to resolve this social issue.

Justice Hugo L. Black: Okay, so just what are you arguing then?

J. Lindsay Almond, Jr.: (*stand*) We argue that the law—as stated by the Fourteenth Amendment and as interpreted by this Court for the last 50 years—permits segregation in public schools.

Justice Robert H. Jackson: Can you support this statement?

H. Albert Young: (*stand*) We begin by disputing the claim of the appellants that the Fourteenth Amendment prohibits racial segregation in public schools. The Fourteenth Amendment does not guarantee anything more than equality with regards to the fundamental rights of life, liberty, and property.

Justice Felix Frankfurter: We are familiar with the Fourteenth Amendment...

H. Albert Young: (*stand*) The history surrounding the Fourteenth Amendment's passage contains many clear statements that no one intended for it to prohibit racial segregation in schools. We also note that this interpretation of the Fourteenth Amendment has been accepted by this Court since *Plessy v. Ferguson*. It has been adhered to in numerous rulings throughout the state and federal court system.

Paul E. Wilson: (*stand*) We also argue that this is an issue for the legislators – ideally those of the individual states to whom the power to control their own public schools is reserved – to address, not for the courts to decide.

Justice Sherman Minton: It is not within the power of the judiciary to legislate.

Paul E. Wilson: (*stand*) We agree Your Honor. However, the appellants are asking you to fulfill the role of legislators and determine that segregation is no longer an intelligent course of action for any state.

Justice Hugo L. Black: Do you have anything else to add?

J. Lindsay Almond, Jr.: (*stand*) Yes, if you agree with the appellants, we believe that the best course of action would be to permit the lower courts in every city and state – and the local school boards – to determine the best means to achieve desegregation.

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H. Albert Young: *(stand)* Finally, we feel that such local persons would be better able to understand the practical situation in each school district than this Court and therefore be better able to create an effective, and orderly, transition into integrated schools. Thank you.

Chief Justice Warren: The Court thanks counsel for both sides for their presentation today. The Court will soon share our decision on this matter.

Student holds up APPLAUSE signs

(Judges huddle together up on the bench. Attorneys for both sides stand, shake hands, and just generally mingle.)

Scene card person removes card: "1953"

Scene card person puts up card: "1954"

Main Narrator: The lawyers for the various parties argued twice in front of the U.S. Supreme Court. The first time was December 1952 and the second time was December 1953. The Court issued its decision on May 17, 1954. Let's see what they say.

Chief Justice Warren: Ladies and Gentleman: "We conclude unanimously that in the field of public education, the doctrine of separate but equal has no place."

Student holds up APPLAUSE signs

Justice Robert H. Jackson: We also find that segregation violates both the Fourteenth and the Fifth Amendment's due process guarantees.

Chief Justice Warren: We expect school districts across America to end segregation "with all deliberate speed."

Bailiff: All Rise. *(Audience and judges stand up. As judges file out, pound gavel once.)* Court is adjourned.

Student holds up APPLAUSE signs

Scene card person takes down card: "Washington DC," "1954," "US Supreme Court," and U.S. Supreme Court Picture Card

Main Narrator: The decision in *Brown* theoretically brought segregation as mandated by law in public schools to an end. However, for many years, states still made their own decisions about how to follow the requirements of desegregation. As a result, it took a long time for segregation to truly end.

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The students and families involved in *Brown* from (nod in the direction of each of the other groups and scene person will hold up the sign as each place is named – read *SLOWLY*) Kansas, Delaware, Virginia, South Carolina, and the District of Columbia paved the way for desegregation in schools as well as equality in all other aspects of life.

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